

**ENERGY COMMUNITIES ALLIANCE  
RESOLUTION CONCERNING  
LONG-TERM STEWARDSHIP ACTIVITIES  
AT DEPARTMENT OF ENERGY  
SITES**

**WHEREAS**, the Energy Communities Alliance (ECA) is the membership organization of local governments that host, are adjacent to, and impacted by current and former Department of Energy (DOE) sites; and

**WHEREAS**, long-term stewardship includes all of the activities (legal controls, engineering controls, physical barriers, etc.) that are needed when contamination will remain at a site at levels that will preclude unrestricted use of land or water in order to maintain an adequate level of protection to human health and the environment for 100, 10,000 and even one million years at some sites; and

**WHEREAS**, local governments are asset holders for their communities, having land use authority and responsibility for protection of human health, welfare and the environment in its community; and

**WHEREAS**, long-term stewardship is increasingly being considered by DOE as a substitute for complete remediation of a Site due to the lack of effective technologies and insufficient funds; and

**WHEREAS**, according to DOE, environmental contamination will remain at approximately 109 DOE sites that will preclude unrestricted future use of land and/or surface and groundwater and create long-term stewardship responsibilities for the federal government; and

**WHEREAS**, DOE, EPA at Superfund sites, and the state work together to make the final environmental remedy decisions<sup>1</sup> and determine whether and how long-term stewardship will be used at DOE sites; and

**WHEREAS**, local governments and Tribal nations currently have no formal role and are not permitted to participate in the formal environmental remediation decisions at DOE sites in or adjacent to their community; and

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<sup>1</sup> Other Federal agencies may have a role in remedy decision-making at the Sites (i.e., NRC, Fish and Wildlife, etc.)

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**WHEREAS**, local governments are interested in working with DOE, the EPA and their state government and having a substantive role in long-term stewardship issues to protect the human health, welfare and the environment in their communities; and

**WHEREAS**, uncertainties associated with long term stewardship include the adequacy of funding, lack of convincing evidence that land use controls, institutional controls and other stewardship measures are reliable and can be enforced in perpetuity, lack of identified parties responsible for stewardship implementation, and the absence of a comprehensive system to identify, track, and store cleanup records; and

**WHEREAS**, ECA and the Environmental Law Institute (ELI), are working under a cooperative agreement with DOE to study the role of local governments in long-term stewardship through which they have held two national roundtables on long-term stewardship and have conducted three case studies on long-term stewardship at Rocky Flats, Oak Ridge and Los Alamos; and

**WHEREAS**, DOE at the national and site level does not have a formal long-term stewardship policy or implementation plan; and

**WHEREAS**, local governments are concerned that future generations should not bear the burden of long-term stewardship without sufficient information, protection, and resources.

**NOW THEREFORE**, it is hereby resolved by ECA that:

1. Remedy Selection. The highest priority in remedy selection must be the long-term safety and health of the community surrounding the DOE Site and protection of the environment. All aspects of establishing, maintaining and funding long-term stewardship activities should be considered during the remedy selection process. DOE, EPA and state regulators should formally include local governments and involve them in the decision making process and cleanup agreements to ensure that land use authorities are involved, that local concerns are integrated, and that the role of local government is developed with the support of the implementing parties.
2. Preference for Permanent Remedies. Local Governments prefer that DOE facilities be remediated to a level, which allows unrestricted use, and avoids long-term stewardship. However, where remediation to such a level is not practical due to current technical or budgetary constraints, ECA wants

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covenants inserted into final remedy decision documents detailing the stewardship plan, and funding.

3. Planning for Stewardship. DOE should plan for site disposition and stewardship more systematically than it has to date. The planning must include the identification and involvement of all the parties that may have a role in stewardship activities, including local governments.
4. Contingency Planning. DOE should implement the National Research Council recommendation that “DOE should plan for uncertainty and fallibility; develop appropriate incentive structures; undertake necessary scientific, technical, and social research and development and plan to maximize follow-through on phased, iterative and adaptive long-term institutional management approaches at sites where contaminants remain.”
5. Funding for Long-Term Stewardship. Funding for stewardship activities must be adequate and reliable. Before the final remedy is agreed to at a site, DOE, EPA and the state, with input from the local government, must ensure that the funding for the required stewardship activity will provide permanent financial security, clearly define the role of the parties who will manage the funding and clearly identify the funding source(s).
6. Environmental Contamination. DOE must fully characterize document, map and fully disclose environmental contamination, cleanup level and long-term stewardship activities at its sites, and provide this detailed information to the communities impacted by its Sites. Local communities require detailed characterization and environmental contamination information so as to be prepared to deal with long-term stewardship failures when they occur.
7. Technological Advances: Re-evaluation and Modification of the Remedy. DOE or subsequent federal managers should implement a systematic process for re-evaluating and modifying existing end states over time to ensure that developments in science, technology and other knowledge are incorporated into long-term stewardship strategies.
8. Record-Keeping. A reliable, up-to-date records management facility that is accessible to the community is required for the success of long-term stewardship activities. DOE should work with local governments to develop a records management facility that will always be accessible at, or near the location of the stewardship activities. Records can then be kept and updated with the local land use jurisdiction, to ensure a local record of contaminants and restrictions on property that is either conveyed to non-federal entities or

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retained in federal ownership. Local governments may be willing to perform record-keeping activities, if adequate federal funding is provided for the additional costs of performing the activity. This is not intended to preclude national or regional records management facilities that would maintain duplicate records as fail-safe measures.

9. Long-term Stewardship Office. The current Office of Long-Term Stewardship should be maintained and adequately funded within DOE Headquarters to provide guidance and support to DOE Field Offices. The Office should develop a national policy on long-term stewardship with affected parties that is implemented in each DOE field and site office, and which addresses the limitations of relying upon stewardship as a remedy.
10. Field Office Implementation. Each DOE field and site office, where long-term stewardship will be required, should designate an individual as a point of contact for long-term stewardship at the local level. Continuity in staffing for the long-term stewardship program is essential to ensuring the success of this program. The point of contact must work closely with the local government to develop a site-specific long-term stewardship plan.
11. Citizen Involvement. ECA is supportive of citizen participation in planning for long-term stewardship. Citizen participation is not a substitute for direct involvement of the affected local governments.

Passed and adopted the \_\_3\_\_ day of October 2000.